

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

United States of America,                     )  
   )  
                                  Plaintiff,                     )  
   )  
                                  v.                                 )  
   )  
Edward Copeland,                                 )  
   )  
                                  Defendant.                     )  
\_\_\_\_\_)

Case No.: 2:05-cr-135-PMD-2

**ORDER**

This matter is before the Court on Edward Copeland’s *pro se* motion to reduce his prison sentence under 18 U.S.C. § 3582(c)(2) (ECF No. 644). Copeland bases his motion on Amendment 794 to the United States Sentencing Guidelines. “Amendment 794, which became effective on November 1, 2015, revised the commentary to U.S.S.G. § 3B1.2 which provides for mitigating role adjustments.” *United States v. Smith*, No. 3:13-cr-1017-JFA, 2016 WL 7626570, at \*1 (D.S.C. Nov. 17, 2016). “[I]t applies retroactively only on direct appeal to a defendant who had argued at sentencing, prior to amendment, for a minor role reduction. The Amendment is not retroactively available on collateral review . . . .” *Id.*; *see also Kidwell v. United States*, No. 5:12-CR-00351-F-15, No. 5:16-CV-00744-F, 2016 WL 5957561, at \* 2 (E.D.N.C. Oct. 13, 2016) (holding that amendment 794 is not retroactively applicable on collateral review because it is not listed in U.S.S.G. § 1B1.10 as a retroactively available guideline amendment). Because Copeland’s request for a sentence reduction is presented on collateral review, amendment 794 does not apply retroactively to his sentence. As a result, his motion is DENIED.

**AND IT IS SO ORDERED.**

  
\_\_\_\_\_  
PATRICK MICHAEL DUFFY  
United States District Judge

**October 26, 2017  
Charleston, South Carolina**